

# **Exhibit 10**

TH

**Notice of Allowability**

Application No.

09/657,181

Examiner

Carol S. Tsai

Applicant(s)

MOSKOWITZ ET AL.

Art Unit

2857

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/13/2007.
2. ☒ The allowed claim(s) is/are 2-5, 7, 9-11, 14-17, 20, and 25, now renumbered as 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Application/Control Number: 09/657,181  
Art Unit: 2857

Page 2

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 2-5, 7, 9-11, 14-17, 20, and 25 are allowed.
2. The following is an examiner's statement of reasons for allowance:

U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a method for monitoring and analyzing at least one signal comprising: receiving at least one reference signal to be monitored; creating an abstract of said at least one reference signal; storing the abstract of said at least one reference signal in a reference database; receiving at least one query signal to be analyzed; creating an abstract of said at least one query signal; comparing the abstract of said at least one query signal to the abstract of said at least one reference signal to determine if the abstract of said at least one query signal matches the abstract of said at least one reference signal. However, Logan et al. do not teach creating an abstract of said at least one reference signal comprising: inputting the reference signal to a processor; creating an abstract of the reference signal using perceptual qualities of the reference signal such that the abstract retains a perceptual relationship to the reference signal from which it is derived; and creating an abstract of said at least one query signal comprising: inputting the at least one query signal to the processor; creating an abstract of the at least one query signal using perceptual qualities of the at least one query signal such that the abstract retains a perceptual relationship to the at least one query signal from which it is derived; and including all of the other limitations in the respective independent claims.

U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a method for monitoring and analyzing at least one signal

**BLU000088**

Application/Control Number: 09/657,181  
Art Unit: 2857

Page 3

comprising: receiving at least one reference signal to be monitored; creating an abstract of said at least one reference signal; storing the abstract of said at least one reference signal in a reference database; receiving at least one query signal to be analyzed; creating an abstract of said at least one query signal; comparing the abstract of said at least one query signal to the abstract of said at least one reference signal to determine if the abstract of said at least one query signal matches the abstract of said at least one reference signal. However, Logan et al. do not teach creating at least one counter corresponding to one of said at least one reference signals, said at least one counter being representative of the number of times a match being found between the abstract of said at least one query signal and the abstract of said at least one reference signal; and incrementing the counter corresponding to a particular reference signal when a match being found between an abstract of said at least one query signal and the abstract of the particular reference signal; and including all of the other limitations in the respective independent claims.

U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a method for monitoring and analyzing at least one signal comprising: receiving at least one reference signal to be monitored; creating an abstract of said at least one reference signal; storing the abstract of said at least one reference signal in a reference database; receiving at least one query signal to be analyzed; creating an abstract of said at least one query signal; comparing the abstract of said at least one query signal to the abstract of said at least one reference signal to determine if the abstract of said at least one query signal matches the abstract of said at least one reference signal. However, Logan et al. do not teach creating an abstract for each of a plurality of reference signals comprising: inputting each of the plurality of reference signals to a processor; creating an abstract of each one of the plurality of reference

Application/Control Number: 09/657,181  
Art Unit: 2857

Page 4

signals using perceptual qualities of each one of a plurality of reference signals such that the abstract retains a perceptual relationship to the reference signal from which it is derived; and the step of creating an abstract of each of the at least one query signals comprising: inputting each of the at least one query signals to a processor; creating an abstract of each one of a plurality of reference signals using perceptual qualities of each one of a plurality of reference signals such that the abstract retains a perceptual relationship to the reference signal from which it is derived; and including all of the other limitations in the respective independent claims.

U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a computerized system for monitoring and analyzing at least one signal: a processor that creates an abstract of a signal using selectable criteria; a first input that receives at least one reference signal to be monitored, said first input being coupled to said processor such that said processor may generate an abstract for each reference signal input to said processor; a reference database, coupled to said processor, that stores abstracts of each at least one reference signal; a second input that receives at least one query signal to be analyzed, said second input being coupled to said processor such that said processor may generate an abstract for each query signal; a **comparing** device, coupled to said reference database and to said second input, that **compares** an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least one query signal matches any of the stored abstracts. However, Logan et al. do not teach a storage medium coupled to said first input that stores each of said at least one reference signals to be monitored; and a controller coupled to the first input, the processor, the **comparing** device, the reference database and the storage medium, said controller causing an abstract for each reference signal being input for the

Application/Control Number: 09/657,181  
Art Unit: 2857

Page 5

first time to be compared to all previously stored abstracts in the reference database, such that in the event that the comparing device determines that it cannot distinguish between the abstract of a reference signal being input for the first time from a previously stored abstract in the reference database, the controller adjusts the criteria being used by the processor and re-generates the reference database, by re-processing each reference signal stored on the storage medium to create new abstracts and storing said new abstracts in the reference database; and including all of the other limitations in the respective independent claims.

U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a computerized system for monitoring and analyzing at least one signal: a processor that creates an abstract of a signal using selectable criteria; a first input that receives at least one reference signal to be monitored, said first input being coupled to said processor such that said processor may generate an abstract for each reference signal input to said processor; a reference database, coupled to said processor, that stores abstracts of each at least one reference signal; a second input that receives at least one query signal to be analyzed, said second input being coupled to said processor such that said processor may generate an abstract for each query signal; a comparing device, coupled to said reference database and to said second input, that compares an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least one query signal matches any of the stored abstracts. However, Logan et al. do not teach the comparing device identifying at least two abstracts in the reference database that match the abstract of said at least one query signal and an index of relatedness to said at least one query signal for each of said at least two

Application/Control Number: 09/657,181

Page 6

Art Unit: 2857

matching abstracts; and including all of the other limitations in the respective independent claims.

U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a electronic system for monitoring and analyzing at least one signal, comprising: a first input that receives at least one reference signal to be monitored, a first processor that creates an abstract of each reference signal input to said first processor through said first input; a second input that receives at least one query signal to be analyzed, a second processor that creates an abstract of each query signal; a reference database that stores abstracts of each at least one reference signal; a **comparing** device that **compares** an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least one query signal matches any of the stored abstracts. However, Logan et al. do not teach a storage medium coupled to said first input, that stores each of said at least one reference signals to be monitored; and a controller that **compares** an abstract for each reference signal being input for the first time to be **compared** to all previously stored abstracts in the reference database, such that in the event that the **comparing** device determines that it cannot distinguish between the abstract of a reference signal being input for the first time from a previously stored abstract in the reference database, the controller adjusts the criteria being used by the processor and re-generates the reference database, by re-processing each reference signal stored on the storage medium to create new abstracts and storing said new abstracts in the reference database; and including all of the other limitations in the respective independent claims.



Application/Control Number: 09/657,181  
Art Unit: 2857

Page 7

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cswt  
September 19, 2007  
Art Unit 2857

  
CAROL S.W. TSAI  
PRIMARY EXAMINER  
**BLU000093**